

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**ABDUR RAHIM ISLAM  
SHAHIED DAWAN**

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**CRIMINAL ACTION  
No. 20-45-1, 2**

**ORDER**

This 31<sup>st</sup> day of July, 2023, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that Defendants' Motion to Dismiss, ECF 471, is **GRANTED in part** and **DENIED in part**.

The Motion is **DENIED** as to Defendants' request for collateral estoppel. The Government thus will not be precluded from referencing the acquitted conduct as a predicate act in its upcoming RICO prosecution.

The Motion is **GRANTED** to the extent that the Government may not rely on any conduct in which Universal Companies is both the victim and enterprise as to a predicate act, in accordance with *Jaguar Cars, Inc. v. Royal Oaks Motor Car Co.*, 46 F.3d 258, 267 (3d Cir. 1995). I defer ruling on the scope of this evidence until closer to trial.

It is further **ORDERED** that the parties are granted leave to submit supplemental briefing under *United States v. Leppo*, 643 F.2d 101 (3d Cir. 1980), as to whether Defendants' appeal of my prior Order, ECF 517, is frivolous. Such submissions shall be filed no later than August 9, 2023.

/s/ Gerald Austin McHugh  
United States District Judge